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SPECIFIC GROUPS AND INDIVIDUALS: MASS EXODUSES AND DISPLACED PERSONS

Written statement*/ submitted by the Norwegian Refugee Council, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

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The Positive Response by the Commission On Human Rights To The Guiding Principles On Internal Displacement Has To Be Matched By Concrete Implementation

1) Despite several years of increasing international attention, the number of internally displaced persons (IDPs) in the world continues to grow at an alarming rate while their protection and assistance needs often go unmet. National governments - both those experiencing crises of displacement and those willing to help - have to do more to improve access and ensure the rights of the internally displaced are fully respected. They can do that by taking positive steps to promote further implementation of the Guiding Principles on Internal Displacement.

2) In 1998 the UN Representative on Internal Displaced Persons, Mr. Francis Deng, presented the Guiding Principles to this Commission. Since then a number of key UN and regional bodies as well as international organizations have expressed their support for the Principles. This Commission as well as the General Assembly has adopted resolutions noting the usefulness of the Principles. The UN Inter Agency Standing Committee has called upon its members to apply the Guiding Principles in their fieldwork and at the same time has published and distributed extensive pedagogical tools to promote implementation at the ground level. Several regional bodies such as the Organization for Security and Co-operation in Europe (OSCE) and the Inter-American Commission on Human Rights have taken important steps to protect and assist displaced persons in the framework of the Guiding Principles.

3) Non-governmental human rights and humanitarian organizations are also making important and innovative use of the Principles. Some have used them as a yardstick to harmonize and improve national IDP legislation, others to measure and monitor the effectiveness of protection and assistance programmes aimed at IDPs. They are also being used by NGOs particularly the Norwegian Refugee Council in training activities to strengthen the response capacity of local governmental and non-governmental organizations.

4) While it is fair to say that the Guiding Principles have been well received by the international community and are being actively used by a wide range of organizations and actors, it is not enough! If the States represented in this forum are committed to improving protection and assistance to the internally displaced and wish to avoid future crises of internal displacement, they must take further steps to increase adherence to the Guiding Principles. Many governments faced with problems of internal displacement have already seen the usefulness of the Guiding Principles and are seriously trying to implement them. Unfortunately other States only pay lip service to the Principles, while some completely ignore them – to the detriment of their own displaced population.

5) The task at hand is therefore twofold. First we need to encourage all governments that adherence to the rights articulated in the Principles is not a threat to sovereignty but a means to strengthen it. Several times last year a number of States used various

international forums to question the legitimacy or the process in which the Guiding Principles were developed. This Commission therefore needs to strengthen the dialogue and understanding of the Principles in a way that promotes their positive and constructive use. From our perspective, with clarity and understanding, States that are truly interested in promoting the rights of the displaced cannot avoid recognizing the intrinsic worth of the Principles.

6) For those States who continue to intentionally abuse the rights of their citizens, the Commission must take a strong stand to ensure compliance to the standards articulated by the Guiding Principles. The Principles are derived from binding human rights and humanitarian law instruments. Many within the Commission are State Parties to those instruments. The Principles are also built upon customary law by which all States are bound. As in the case of binding legal instruments there are mechanisms in place to assess and monitor State Parties' compliance. In order to further integrate the Guiding Principles into existing international human rights monitoring mechanisms, the Commission should encourage all UN Country and Thematic rapporteurs, treaty bodies and human rights field offices to widen their use of the Principles as a yardstick to assess State behaviour.

7) From the point of view of civil society, those states that violate the rights of their internally displaced citizens should know they will increasingly be judged by their adherence to the Guiding Principles. They will be judged by their own citizens as awareness of the Principles continues to grow. And as experience of the past year has already shown they will be scrutinized by NGOs and other parts of civil society who are intent on improving the response to the internally displaced.

8) To conclude, as suggested by the Secretary General, governments should only enjoy the prerogatives of sovereignty as long as they fulfill their international obligations to their citizens. The international community's active promotion of the Guiding Principles should not be seen as a threat to sovereignty but a way to strengthen it and give it meaning. In order to move forward for those who need to understand the Principles, let them make an honest effort to do so. But let this Commission also move forward by making it more difficult for States that abuse the rights of the internally displaced to do so with impunity.

Recommendations:

1) The Guiding Principles should be further promoted, disseminated and used by UN agencies, international organizations and regional bodies.
2) In order to better understand country-specific displacement situations and enhance respect for the rights of the internally displaced, existing human rights machinery should investigate ways to improve human rights monitoring based on the Guiding Principles.
3) Governments should make full practical use of the Principles, including legislative reform, training of appropriate government officials, law enforcement agents and military personnel

4) Dissemination and training in the content and use of the Guiding Principles should focus not only on State authorities but also armed opposition groups.
5) National governments should incorporate human rights and humanitarian standards, including the Guiding Principles, into peace negotiations with such groups.